

- Sec.
- (a) In general.  
(b) Procedures.  
(c) Amendments.
7804. Required terms in orders.  
(a) In general.  
(b) Hass Avocado Board.  
(c) General responsibilities of the Avocado Board.  
(d) Budgets; plans and projects.  
(e) Contracts and agreements.  
(f) Books and records of Board.  
(g) Control of administrative costs.  
(h) Assessments.  
(i) Reimbursement of Secretary expenses.  
(j) Prohibition on brand advertising and certain claims.  
(k) Prohibition on use of funds to influence governmental action.  
(l) Prohibition of conflict of interest.  
(m) Books and records; reports.  
(n) Consultations with industry experts.  
(o) Other terms of the order.
7805. Referenda.  
(a) Requirements for initial referendum.  
(b) Votes permitted.  
(c) Manner of conducting referenda.  
(d) Subsequent referenda.  
(e) Suspension or termination.
7806. Petition and review.  
(a) Petition and hearing.  
(b) Review.  
(c) Enforcement.
7807. Enforcement.  
(a) Jurisdiction.  
(b) Referral to Attorney General.  
(c) Civil penalties and orders.  
(d) Review by district court.  
(e) Failure to obey an order.  
(f) Failure to pay a penalty.  
(g) Additional remedies.
7808. Investigations and power to subpoena.  
(a) Investigations.  
(b) Subpoenas, oaths, and affirmations.  
(c) Aid of courts.
7809. Confidentiality.  
(a) Prohibition.  
(b) Penalty.  
(c) Additional prohibition.  
(d) Withholding information from Congress prohibited.
7810. Authority for Secretary to suspend or terminate order.  
(a) Grounds for suspension or termination.  
(b) Effect of lack of approval of order.
7811. Rules of construction.  
(a) Termination or suspension not an order.  
(b) Rights.  
(c) Other programs.
7812. Regulations.
7813. Authorization of appropriations.  
(a) In general.  
(b) Administrative expenses.

## § 7801. Findings and declaration of policy

### (a) Findings

Congress finds the following:

(1) Hass avocados are an integral food source in the United States that are a valuable and healthy part of the human diet and are enjoyed by millions of persons every year for a multitude of everyday and special occasions.

(2) Hass avocados are a significant tree fruit crop grown by many individual producers, but virtually all domestically produced Hass avo-

cados for the commercial market are grown in the State of California.

(3) Hass avocados move in interstate and foreign commerce, and Hass avocados that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in Hass avocados.

(4) In recent years, large quantities of Hass avocados have been imported into the United States from other countries.

(5) The maintenance and expansion of markets in existence on October 28, 2000, and the development of new or improved markets or uses for Hass avocados are needed to preserve and strengthen the economic viability of the domestic Hass avocado industry for the benefit of producers and other persons associated with the producing, marketing, processing, and consuming of Hass avocados.

(6) An effective and coordinated program of promotion, research, industry information, and consumer information regarding Hass avocados is necessary for the maintenance, expansion, and development of domestic markets for Hass avocados.

### (b) Purpose

It is the purpose of this chapter to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for the development and financing (through an adequate assessment on Hass avocados sold by producers and importers in the United States) of an effective and coordinated program of promotion, research, industry information, and consumer information, including funds for marketing and market research activities, that is designed to—

(1) strengthen the position of the Hass avocado industry in the domestic marketplace; and

(2) maintain, develop, and expand markets and uses for Hass avocados in the domestic marketplace.

### (c) Limitation

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of any person to produce, handle, or import Hass avocados.

(Pub. L. 106-387, §1(a) [title XII, §1202], Oct. 28, 2000, 114 Stat. 1549, 1549A-79.)

#### SHORT TITLE

Pub. L. 106-387, §1(a) [title XII, §1201], Oct. 28, 2000, 114 Stat. 1549, 1549A-79, provided that: "This title [enacting this chapter] may be cited as the 'Hass Avocado Promotion, Research, and Information Act of 2000'."

## § 7802. Definitions

As used in this chapter:

### (1) Board

The terms "Avocado Board" and "Board" mean the Hass Avocado Board established under section 7804 of this title.

### (2) Conflict of interest

The term "conflict of interest" means a situation in which a member or employee of the Board has a direct or indirect financial inter-

est in a person that performs a service for, or enters into a contract with, the Board for anything of economic value.

**(3) Consumer information**

The term “consumer information” means any action or program that provides information to consumers and other persons on the use, nutritional attributes, and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

**(4) Customs**

The term “Customs” means the United States Customs Service.

**(5) Department**

The term “Department” means the United States Department of Agriculture.

**(6) Hass avocado**

**(A) In general**

The term “Hass avocado” includes—

- (i) the fruit of any Hass variety avocado tree; and
- (ii) any other type of avocado fruit that the Board, with the approval of the Secretary, determines is so similar to the Hass variety avocado as to be indistinguishable to consumers in fresh form.

**(B) Form of fruit**

Except as provided in subparagraph (C), the term includes avocado fruit described in subparagraph (A) whether in fresh, frozen, or any other processed form.

**(C) Exceptions**

In any case in which a handler further processes avocados described in subparagraph (A), or products of such avocados, for sale to a retailer, the Board, with the approval of the Secretary, may determine that such further processed products do not constitute a substantial value of the product and that, based on its determination, the product shall not be treated as a product of Hass avocados subject to assessment under the order. In addition, the Board, with the approval of the Secretary, may exempt certain frozen avocado products from assessment under the order.

**(7) Handler**

**(A) First handler**

The term “first handler” means a person operating in the Hass avocados marketing system that sells domestic or imported Hass avocados for United States domestic consumption, and who is responsible for remitting assessments to the Board. The term includes an importer or producer who sells directly to consumers Hass avocados that the importer or producer has imported into the United States or produced, respectively.

**(B) Exempt handler**

The term “exempt handler” means a person who would otherwise be considered a first handler, except that all avocados purchased by the person have already been sub-

ject to the assessment under section 7804(h) of this title.

**(8) Importer**

The term “importer” means any person who imports Hass avocados into the United States.

**(9) Industry information**

The term “industry information” means information and programs that are designed to increase efficiency in processing, enhance the development of new markets and marketing strategies, increase marketing efficiency, and activities to enhance the image of Hass avocados and the Hass avocado industry domestically.

**(10) Order**

The term “order” means the Hass avocado promotion, research, and information order issued under this chapter.

**(11) Person**

The term “person” means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

**(12) Producer**

The term “producer” means any person who—

- (A) is engaged in the domestic production of Hass avocados for commercial use; and
- (B) owns, or shares the ownership and risk of loss, of such Hass avocados.

**(13) Promotion**

The term “promotion” means any action to advance the image, desirability, or marketability of Hass avocados, including paid advertising, sales promotion, and publicity, in order to improve the competitive position and stimulate sales of Hass avocados in the domestic marketplace.

**(14) Research**

The term “research” means any type of test, study, or analysis relating to market research, market development, and marketing efforts, or relating to the use, quality, or nutritional value of Hass avocados, other related food science research, or research designed to advance the image, desirability, and marketability of Hass avocados.

**(15) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(16) State**

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

**(17) United States**

The term “United States” means the United States collectively.

(Pub. L. 106-387, §1(a) [title XII, §1203], Oct. 28, 2000, 114 Stat. 1549, 1549A-79.)